

**RESOLUTION NO. 3782**

A RESOLUTION OF THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, DECLARING ITS INTENTION TO ESTABLISH AN IMPROVEMENT DISTRICT TO PURCHASE ENERGY TO LIGHT THE PUBLIC STREETS AND PARKS IN THAT CERTAIN AREA WITHIN THE CORPORATE LIMITS OF THE TOWN OF GILBERT, ARIZONA, TO BE KNOWN AS **"TOWN OF GILBERT, ARIZONA, STREET LIGHT IMPROVEMENT DISTRICT NO. 15-01, HIGLEY POINTE"** AS DESCRIBED IN EXHIBIT A, ATTACHED HERETO; DECLARING SUCH IMPROVEMENTS TO BE OF MORE THAN LOCAL OR ORDINARY PUBLIC BENEFIT; PROVIDING THAT THE EXPENSES THEREOF BE PAID FOR BY THE LEVY AND COLLECTION OF AD VALOREM TAXES UPON THE ASSESSED VALUATION OF ALL REAL AND PERSONAL PROPERTY IN THE DISTRICT; AND ORDERING THAT SUCH IMPROVEMENTS BE PROVIDED FOR UNDER THE PROVISIONS OF SECTION 48-572, ARIZONA REVISED STATUTES, AS AMENDED; AND PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS

WHEREAS, the owners, exclusive of mortgagees and other lienholders, of all of the real property (hereinafter referred to as "Petitioner") in the hereinafter described District, acting pursuant to the provisions of Sections 48-615 and 48-617, Arizona Revised Statutes, petitioned the Mayor and Council of the TOWN OF GILBERT, Arizona (hereinafter referred to as "Town") to adopt a resolution of intention (hereinafter referred to as "Resolution") ordering the purchase of energy for lighting the public streets and parks (hereinafter referred to as "Improvements") for the real property legally described in **Exhibit A** (hereinafter referred to as "District") with such boundaries as shown in the map in **Exhibit B**, attached hereto; and

WHEREAS, the Town verified that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District; and

WHEREAS, the Common Council of the Town hereby find and determine that it has jurisdiction to adopt this Resolution to order the Improvements pursuant to Section 48-576, Arizona Revised Statutes, and, pursuant to the provisions of Sections 48-615 and 48-617, Arizona Revised Statutes, it has immediate jurisdiction to adopt this Resolution ordering the Improvements without the necessity of publication and posting of this Resolution as provided for in Section 48-578, Arizona Revised Statutes;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE TOWN OF GILBERT, ARIZONA, that:

Section 1. The Town, after verifying ownership of the real property included within the boundaries of the District, hereby finds that Petitioner is the owner, exclusive of mortgagees and other lienholders, of all of the real property included within the boundaries of the District.

Section 2. The name of the District shall be "TOWN OF GILBERT, ARIZONA, STREET LIGHT IMPROVEMENT DISTRICT NO. 15-01, HIGLEY POINTE."

Section 3. The District is formed, and shall exist, pursuant to the provisions of Title 48, Chapter 4, Article 2, Arizona Revised Statutes, and Section 48-616, Arizona Revised Statutes.

Section 4. The public interest or convenience requires, and it is the intention of the Common Council of the Town to order the Improvement as described above.

Section 5. In the opinion of the Common Council of the Town, the Improvement is of more than local or ordinary public benefit and is of special benefit to the respective lots, pieces and parcels of real property in the District.

Section 6. The Common Council of the Town hereby make and order the expense of the Improvement payable from the levying and collection of ad valorem taxes upon the assessed value of all real and personal property in the District. Said District, is legally described on **Exhibit A** attached hereto with the boundaries as shown in the map in **Exhibit B** attached hereto. Any public street or alley within the District shall be omitted from the assessment. Any lot belonging to the United States, the State, a county, city, school district or political subdivision or institution of the state or county within the District shall be omitted from the assessment.

Section 7. Pursuant to Sections 48-615(A) and 48-617(A), Arizona Revised Statutes, the resolution ordering the improvement shall be adopted without the necessity of publication and posting of the resolution of intention provided for in Section 48-578.

Section 8. The Common Council of the Town shall make annual statements and estimates of the expenses of the District; shall publish notice thereof; shall have hearings thereon; and shall adopt them at the times and in the manner provided for incorporated cities and towns by the applicable portions of Sections 42-17101 et seq., 42-17151, 42-17152, Arizona Revised Statutes. Said expenses shall be provided for by the levy and collection of ad valorem taxes upon the assessed value of all the real and personal property in the district. The Common Council of the Town shall, on or before the third Monday in August of each year, fix, levy and assess the amount to be raised by ad valorem taxes upon all of the property of the district and collect, as Maricopa County, Arizona (the "County") taxes are collected, the amounts shown by the statements and

estimates as adopted by the Common Council of the Town. All statutes providing for the levy and collection of State of Arizona and County taxes, including the collection of delinquent taxes and sale of property for nonpayment of taxes, shall be applicable to District taxes as provided to be levied under Section 48-616, Arizona Revised Statutes.

Section 9. The District shall not be authorized to issue bonds and no assessment for District purposes against the property within the District shall exceed One Dollar and Twenty Cents (\$1.20) per one hundred dollars of assessed valuation thereof in any year.

Section 10. The District shall not be authorized to engage in any activity other than as provided in Section 48-616, Arizona Revised Statutes, i.e., contracting for and purchasing energy for street and public park lighting.

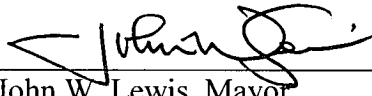
Section 11. The formation of the District shall not prevent the subsequent establishment of improvement districts for any other purpose authorized by law, including improvement districts for the purpose of constructing street lighting facilities within any part or all of the same territory as the District.

Section 12. The type of lighting facilities to be installed in the District and the locations thereof shall consist of those lighting facilities and locations described in the petition submitted by Petitioner, or as may be approved by the Town.


Section 13. The rate to be paid for purchasing energy for the District shall be the rate described in the petition submitted by Petitioner, or as may be approved by Salt River Project, Arizona Public Service Company, or other energy provider.

Section 14. Any resolutions or parts of resolutions in conflict with the provisions of this Resolution are hereby repealed.

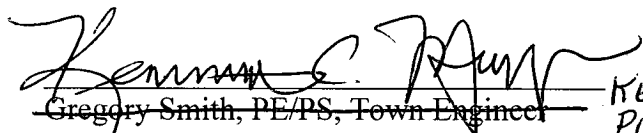
PASSED, ADOPTED, AND APPROVED by the Mayor and Council, of  
the TOWN OF GILBERT, Arizona, this 19<sup>th</sup> day of February, 2015.

  
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John W. Lewis, Mayor  
TOWN OF GILBERT, Arizona

ATTEST:


  
\_\_\_\_\_  
Catherine A. Templeton, CMC, Town Clerk  
TOWN OF GILBERT, Arizona

REVIEWED BY:

  
\_\_\_\_\_  
~~Gregory Smith, PE/PS, Town Engineer~~  
TOWN OF GILBERT, Arizona

KENNETH MORGAN  
PUBLIC WORKS DIRECTOR

APPROVED AS TO FORM:

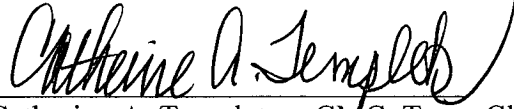
  
\_\_\_\_\_  
L. Michael Hamblin, Town Attorney  
TOWN OF GILBERT, Arizona

The following exhibits are attached hereto and incorporated herein:

- A. Legal description
- B. Map of the boundaries of the District


CERTIFICATION

I hereby certify that the foregoing Resolution No. 3782 was duly passed and adopted by the Mayor and Council of the TOWN OF GILBERT, Arizona, at a meeting held on February 19, 2015, that the vote thereon was 7 ayes, 0 nays, and that the Mayor and 6 Council members were present thereat.



Catherine A. Templeton, CMC, Town Clerk  
TOWN OF GILBERT, Arizona

I, CATHERINE A. TEMPLETON, DO HEREBY CERTIFY THAT A TRUE AND CORRECT COPY OF RESOLUTION NO. 3782, ADOPTED BY THE TOWN OF GILBERT COMMON COUNCIL ON THE 19<sup>TH</sup> DAY OF FEBRUARY, 2015, WAS POSTED IN FOUR PLACES ON THE 26th DAY OF February 2015.



Catherine A. Templeton, CMC, Town Clerk



**Legal Description  
Street Light Improvement District  
Higley Pointe**

Job No. 13-075

April 29, 2014  
Rev. January 27, 2015

A portion of the Southeast Quarter of Section 27, Township 1 South, Range 6 East of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at a brass cap in a hand hole at the Southeast corner of said Section 27, from which a brass cap in a hand hole at the South quarter corner of said Section 27 bears South 89 degrees 58 minutes 52 seconds West (an assumed bearing) at a distance of 2627.81 feet; thence South 89 degrees 58 minutes 52 seconds West, 513.66 feet along the south line of the Southeast Quarter of Section 27 to the southwest corner of the property described in Book 202 of Deeds, Page 131, Official Records of Maricopa County, Arizona; thence North 0 degrees 08 minutes 20 seconds East, 65.00 feet along the west line of said property to the POINT OF BEGINNING;

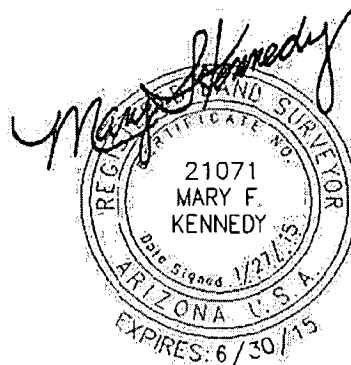
thence South 89 degrees 58 minutes 52 seconds West, 569.85 feet, along a line parallel with and 65.00 feet north of, measured at right angles to, the south line of said Southeast quarter of Section 27;

thence North 0 degrees 08 minutes 20 seconds East, 785.01 feet along a line parallel with the west line of said property described in Book 202 of Deeds, Page 131;

thence North 89 degrees 58 minutes 52 seconds East, 569.77 feet along a line parallel with and 850.00 feet north of, measured at right angles to, the south line of said Southeast quarter of Section 27 to a point on the west line of said property described in Book 202, Page 131;

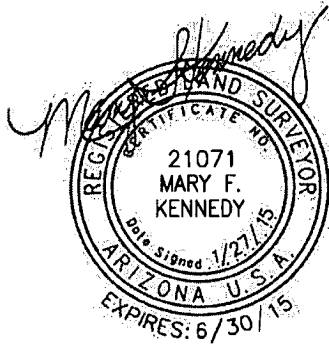
thence South 0 degrees 07 minutes 59 seconds West, 785.01 feet along said west line to the POINT OF BEGINNING.

An area containing 447,305 square feet or 10.2687 acres, more or less.

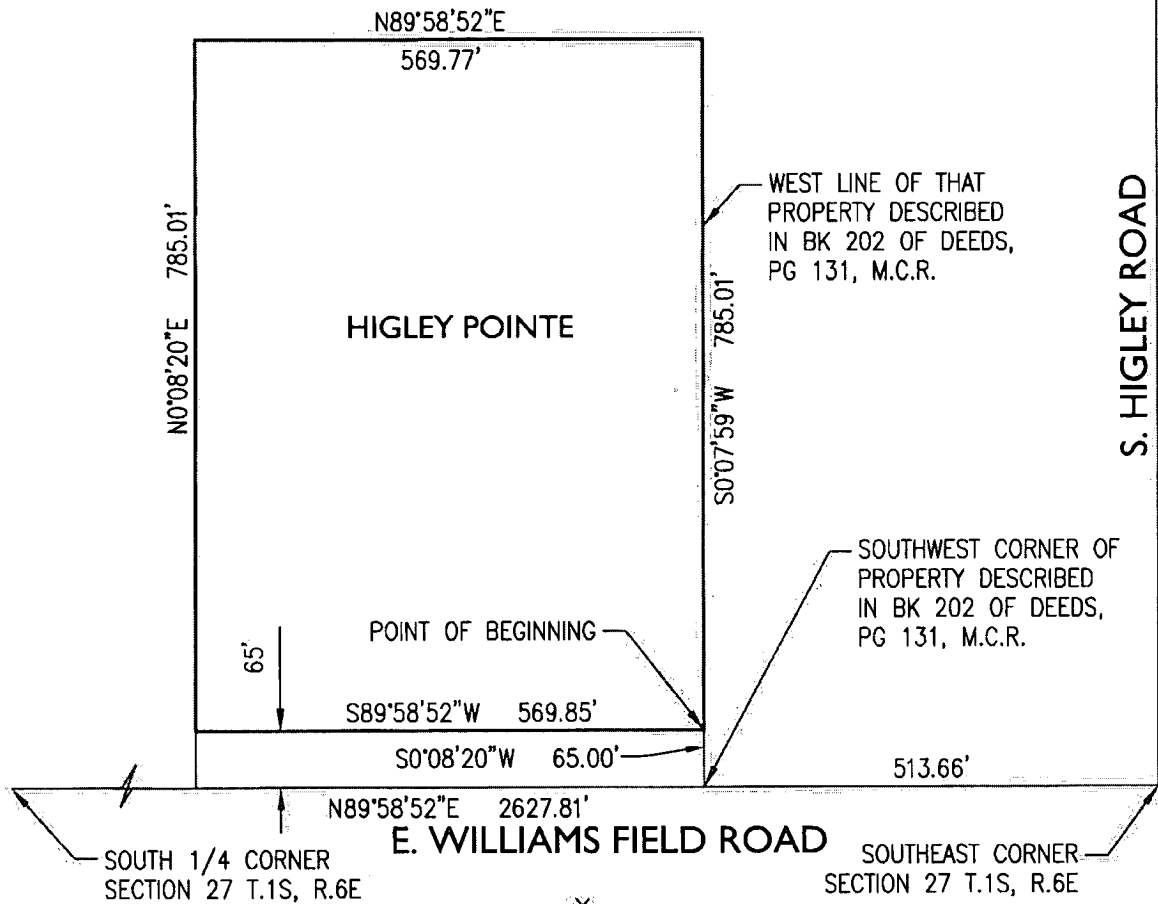


EPS Group, Inc. • 2045 S. Vineyard, Suite 101 • Mesa, AZ 85210  
Tel (480) 503-2250 • Fax (480) 503-2258

S:\Projects\2013\13-075\Legal Survey\Legals\13075 LD SLID.docx



EAST 1/4 CORNER  
SECTION 27 T.1S, R.6E



NOT TO SCALE

13-075

HIGLEY POINTE  
GILBERT, ARIZONA

STREET LIGHT IMPROVEMENT DISTRICT



2045 S. Vineyard Ave.  
Ste. 101 Mesa, AZ 85210  
T:480.503.2250 | F:480.503.2258  
www.epsgroupinc.com

**When recorded mail to:**

**Town of Gilbert**

**Town Clerk**

**50 East Civic Center Drive**

**Gilbert AZ 85296**

**OFFICIAL RECORDS OF  
MARICOPA COUNTY RECORDER  
HELEN PURCELL  
20150116054 02/23/2015 04:43 N  
ELECTRONIC RECORDING  
Gilbert1048-8-1-1--**

This area reserved for County Recorder

**CAPTION HEADING  
RESOLUTION 3782**

**DO NOT REMOVE**